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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,961	06/18/2003	Jun Takahashi	2271/69595	8774
7590 12/03/2008				
IVAN S. KAVRUKOV Cooper & Dunham LLP 1185 Avenue of the Americas New York, NY 10036			EXAMINER ZURITA, JAMES II	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 12/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/601,961

Applicant(s)

TAKAHASHI, JUN

Examiner

JAMES ZURITA

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date 06/18/2003;11/12/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Information Requirement of 26 February 2007 was sent in error and does not apply to the instant application.

Claims 1-10 are pending and will be examined.

Priority

The Examiner acknowledges claim to application 2002-192072, filed 07/01/2002 in Japan. The Certified copy of the Foreign Priority application has been filed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "means for" appear to be an attempt to invoke 35 U.S.C. 112, sixth paragraph, to recite claim element as a means for performing a specified function. However, since the disclosures provide insufficient structural support for the claims, it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). For purposes of this examination, the claim will be interpreted to not invoke the sixth paragraph.

Prior art will be interpreted to read on applicant's claimed limitations where prior art discloses that the structure is reasonable capable of performing the recited functions.

Claim Objections

Claims 9 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 1 refers to a one destination. Claim 9 adds another destination. Claim 10 adds a plurality of destinations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Prior art will be interpreted to read on applicant's claimed limitations where prior art discloses that the structure is reasonable capable of performing the recited functions.

Claims 1-10, as interpreted, are rejected under 35 U.S.C. 103(a) as being unpatentable over Adegawa (US 7230733).

As per claim 1, Adegawa discloses a network facsimile apparatus comprising:
performing facsimile communications for example, Fig. 1 and related text);
storing communication management information concerning the facsimile communications performed by said facsimile transmission means (Fig. 1, item 107, for example);

transmitting and receiving electronic mails (Fig. 2, for example); **and**
creating a communication management report from the information stored in said storage means, and transmitting the thus-created communication management report via electronic mail through said electronic mail transmission means (for example, Abstract, Col. 1, lines 6-14);

said report producing means produces and transmits the communication management report via electronic mail (for example, Abstract, in the form of an electronic mail) to a destination previously registered when a predetermined requirement is met (for example, Fig. 2 Item 203).

Adegawa does not specifically disclose that the actions are performed by applicant's components. It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Adegawa to disclose that the actions are performed by applicant's components because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

Claims 2-6 identify the conditions that trigger producing the report.

As per claim 2, Adegawa discloses producing the communication management report when the communication management information exceeds a predetermined amount. See, for example, at least Col. 1, lines 34-38.

Adegawa does not specifically disclose producing communication management report when

- a communication charge for a user reaches a predetermined amount (claim 3);
- a number of communications for a user reaches a predetermined value (claim 4);
- predetermined date and/or time arrives (claim 5);
- the number of transmission failures exceeds a predetermined value (claim 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Adegawa to disclose producing communication management report when

- a communication charge for a user reaches a predetermined amount (claim 3);
- a number of communications for a user reaches a predetermined value (claim 4);
- predetermined date and/or time arrives (claim 5);
- the number of transmission failures exceeds a predetermined value (claim 6).

because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

As per claim 7, Adegawa discloses that the communication management report comprises communication management information concerning occurrences of transmission error. Col. 1, lines 5-12, for example, transmission error.

As per claim 8, Adegawa discloses that a mail title of the electronic mail transmitting the communication management report indicates a reason for the transmission. Adegawa, Figs. 3 and 4, for example

Adegawa does not specifically disclose

that an electronic mail transmitting the communication management report is transmitted to another predetermined destination for the purpose of mail backup (claim 9);

that the predetermined requirement for transmitting the communication management report is set independently for each of a plurality of predetermined destinations to which the communication management report is transmitted (claim 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extend Adegawa to disclose

that an electronic mail transmitting the communication management report is transmitted to another predetermined destination for the purpose of mail backup (claim 9);

that the predetermined requirement for transmitting the communication management report is set independently for each of a plurality of predetermined destinations to which the communication management report is transmitted (claim 10).

because the incorporation of such features is no more than the predictable use of prior art elements according to their established function.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES ZURITA whose telephone number is (571)272-6766. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Zurita/
Primary Examiner
Art Unit 3625
27 November 2008